

Land Development Regulations

Chapter 3-9. Zoning

Article II. District Regulations

Sec. 3-9-27. Application of district Regulations

Sec. 3-9-27. ~~Application of~~ Application of ~~District~~ District ~~Regulations.~~

- (a) *Use or occupancy.* No building, structure, land, water or part thereof shall be used, occupied, erected, constructed, reconstructed, located, moved or structurally altered except in conformity with the regulations for the district in which it is located or as otherwise specified in this chapter.
- (b) *Multiple use of required open space prohibited.* No part of a required yard, off-street parking or off-street loading space or other open space provided in connection with a building, structure or use shall be included as meeting the requirements for any other building, structure or use except where specific provision therefor is made in this chapter.
- (c) *Lot area.*
- (1) No lot or yard existing on the effective date of the ordinance from which this section derives shall be reduced in size, dimension or area below the minimum requirements of the district in which it is located unless such reduction results from an acquisition for public use or is permitted by an approved development plan. Lots or yards created after such effective date shall meet at least the minimum requirements established herein. Notwithstanding the forgoing, non-conforming lots may be reconfigured to an equal or less number of lots to enhance buildability.
- (2) No permit shall be issued for any lot less than five thousand (5,000) square feet in area or less than fifty (50) feet in width, unless otherwise provided for in this chapter or approved by the board of zoning appeals.
- (3) Where any street, highway, alley or right-of-way is officially vacated or abandoned subsequent to the enactment of the ordinance from which this chapter derives, the regulations applicable to each parcel of abutting property shall apply to that portion of such street or alley added thereto by virtue of such vacation or abandonment.
- (4) Where a district boundary divides a lot (as defined in ~~section 3-9-2 Article 1.2~~ ~~section 3-9-2.~~), the location of such boundary shall be determined by use of the scale appearing on the official zoning atlas, unless the same is indicated by dimensions on the official zoning atlas. The Zoning Official shall have final authority to make such determination.
- (5) Where a district boundary line divides a lot (as defined in ~~section 3-9-2 section 3-9-2~~ ~~Article 1.2.~~) on the effective date of the ordinance from which this chapter derives, the board of zoning appeals may, in its discretion, permit a use authorized in either portion of such lot to extend to the entire lot, upon good cause shown.

~~(Minutes of 12-8-81, § 5)~~

~~Editor's note—~~

~~The zoning regulations became effective on December 8, 1981.~~